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*Gibson Investments, Wendell Lee Gibson and Paula Gibson*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

<b>In Re:</b>	§	
	§	
<b>GIBSON FARMS</b>	§	<b>Case No. 20-20271-RLJ-11</b>
	§	
<b>Debtor.</b>	§	
<hr style="border-top: 1px dashed black;"/>		
<b>In Re:</b>	§	
	§	
<b>NATURE'S WAY COMPOST, LLC</b>	§	<b>Case No. 20-20272-RLJ-11</b>
	§	<b>(Jointly Administered Under</b>
<b>Debtor.</b>	§	<b>Case No. 20-20271-RLJ-11)</b>
<hr style="border-top: 1px dashed black;"/>		
<b>In Re:</b>	§	
	§	
<b>GIBSON INVESTMENTS</b>	§	<b>Case No. 20-20273-RLJ-11</b>
	§	<b>(Jointly Administered Under</b>
<b>Debtor.</b>	§	<b>Case No. 20-20271-RLJ-11)</b>
<hr style="border-top: 1px dashed black;"/>		
<b>In Re:</b>	§	
	§	
<b>WENDELL LEE GIBSON and wife, PAULA GIBSON</b>	§	<b>Case No. 20-20274-RLJ-11</b>
	§	<b>(Jointly Administered Under</b>
<b>Debtors.</b>	§	<b>Case No. 20-20271-RLJ-11)</b>

**EMERGENCY MOTION TO ACCEPT RESIDENTIAL LEASE AGREEMENTS**

TO THE HONORABLE ROBERT L. JONES, U.S. BANKRUPTCY JUDGE:

NOW COME, GIBSON FARMS, NATURE'S WAY COMPOST, LLC, GIBSON

INVESTMENTS, and WENDELL LEE GIBSON and wife, PAULA GIBSON (the “Debtors”) in the above-captioned case (“Debtors”), and files this their Emergency Motion to Accept Residential Lease Agreements pursuant to the provisions of 11 U.S.C Sections 365, and in accordance with Bankruptcy Rules of Procedure 6006, and in support of such Motion would respectfully show the Court as follows:

1. Gibson Farms, Nature’s Way Compost, LLC, Gibson Investments and Wendell Lee and wife, Paula Gibson (the Debtors”) are the Debtors in Possession in the above-referenced Bankruptcy proceedings.

1. The Debtors all filed for relief under Chapter 11 of the U.S. Bankruptcy Code on October 5, 2020 (“Petition Date”).

3. On October 6, 2020, the Debtors filed Motions for Joint Administration of their cases under lead Case No. 20-20271-RLJ-11, Gibson Farms and an Order approving the Motion was entered on October 7, 2020.

4. This is a core proceeding and this Court has jurisdiction over this matter pursuant to 28 U.S.C. Sections 1334 and 157, and 11 U.S.C. Sections 363.

5. The Debtors, Paula and Lee Gibson (“Paula & Lee”), are family farmers and ranchers who own and operate certain farm and ranch land located in Moore and Hartley counties, at the very top of the Texas Panhandle. The Debtor, Gibson Farms, is a Texas general partnership, comprised of Paula & Lee and their sons, Braden and Brett Gibson. Paula Gibson and Carlene Beauchamp each own an undivided 50% interest in 2,838.10 acres of farmland located in Hartley and Moore Counties. Gibson Farms rents the land to raise feed grains, forage crops, and livestock which they sell either through private contract, on the open market, or through livestock auction

facilities. In addition, the Debtors operate Nature's Way Compost, LLC ("NWC"), which they own and operate with their children, Braden and Brett Gibson, and Katie Strohmeiner. NWC is a manure processing, delivery and application company which takes livestock manure from local feedlots, processes and then sells it to local farmers for use as fertilizer in farming operations. The Debtor, Gibson Investments, is a Texas general partnership comprised of Paula & Lee, and their sons, Braden and Brett Gibson. Gibson Investments owns a tract of farmland as well as the headquarters and office facilities for Gibson Farms and NWC.

7. The Debtors, Gibson Farms, and NWC, employ temporary agricultural workers through the H-2A Program established by the U.S. Department of Labor which allows agricultural employers to temporarily employ nonimmigrant workers to perform agricultural labor or services of a temporary or seasonal nature. Employers who hire H-2A workers are responsible for providing free housing to those workers.

8. Prior to filing for relief under Chapter 11 of the U.S. Bankruptcy Code, the Debtors had entered into certain residential lease agreements in order to provide housing for their H-2A workers. The descriptions of said leases and the terms are set forth below:

<b><u>Landlord</u></b>	<b><u>Property Address</u></b>	<b><u>Due Date</u></b>	<b><u>Amount of Rent</u></b>	<b><u>Responsible Party</u></b>
Bart and Blenda Arbuthnot 518 West 7 <sup>th</sup> P.O. Box 1504 Dumas, Tx. 79029	135 Cherry Dumas, Tx. 79029	1 <sup>st</sup>	\$700.00	NWC
Beauchamp Estates Partnership P.O. Box 777 Dumas, Tx. 79029	5946 W. Rd. I Dumas, Tx. 79029	1 <sup>st</sup>	\$500.00	NWC/Gibson Farms
Otto Chavez 115 N. Meredith Dumas, Tx. 79029	219 Pine Dumas, Tx. 79029	5 <sup>th</sup>	\$750.00	Gibson Farms
Willis Rentals 503 E. 1 <sup>st</sup> St. Dumas, Tx. 79029	809 NE 6 <sup>th</sup> St. Dumas, Tx. 79029	17 <sup>th</sup>	\$850.00	NWC

8. The Debtors request that the Court allow the Debtors to assume these Residential Leases in accordance with the provisions of 11 U.S.C. Section 365 and perform such Leases according to the provisions of said Leases including the payment of monthly rent.

9. Concurrently with the filing of this Motion, the Debtors are filing their Motion For Emergency Hearing and to Shorten and Limit Notice, the Debtors seek an expedited hearing on this Motion as well as authority to limit notice of the Motion and the expedited hearing to only those parties that are subject to the Residential Leases, as well as the parties filing a Notice of Appearance in the case.

10. The Debtors further request that the Court find that adequate notice and opportunity for a hearing under the circumstances has been given to creditors and parties in interest of this Motion as well as the expedited hearing on such Motion.

WHEREFORE, PREMISES CONSIDERED, the Debtors pray that the Court determine that the notice and opportunity for hearing provided to creditors and parties in interest of this Motion is reasonable and adequate under the circumstances; and that the Debtors be granted authority to accept the Residential Leases described herein, and also seeks such other and further relief whether at law or in equity as the Court may deem necessary and proper.

**NOTICE OF HEARING AND OPPORTUNITY FOR OBJECTION**

**NOTICE IS HEREBY GIVEN THAT EXPEDITED CONSIDERATION AND SHORTENED NOTICE HAVE BEEN REQUESTED. IF EXPEDITED CONSIDERATION IS GRANTED A HEARING ON THIS MOTION WILL BE HELD ON THURSDAY, OCTOBER 22, 2020 1:30 P.M., IN THE U.S. COURTHOUSE, BANKRUPTCY COURTROOM, 205 SOUTHEAST FIFTH AVENUE, THIRD FLOOR COURTROOM, AMARILLO, TEXAS 79101-155, YOU WILL HAVE UNTIL WEDNESDAY, OCTOBER 21, 2020 TO FILE YOUR OBJECTION TO THIS MOTION.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK AT J. MARVIN JONES FEDERAL BUILDING, 205 SOUTHEAST FIFTH AVE., ROOM 201D,**

Motion to Accept Residential Lease Agreements

**AMARILLO, TEXAS, 79101-1559, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN.**

Respectfully Submitted,  
MULLIN HOARD & BROWN, L.L.P.  
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/s/ David R. Langston  
David R. Langston, SBN: 11923800  
*Attorneys for Debtors, Gibson Farms, Nature's  
Way Compost, LLC, Gibson Investments and  
Wendell & Paula Gibson*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion was served on the following parties in interest via ECF and/or regular U.S. Mail on this 16<sup>TH</sup> day of October, 2020:

1. Wendell & Paula Gibson  
Gibson Farms, Gibson Investments  
and Nature's Way Compost, LLC  
P.O. Box 777  
Dumas, Texas 79029  
***Debtors***
2. U.S. Trustee's Office  
1100 Commerce St., Room 9C60  
Dallas, Texas 75242
3. Heath Hendricks  
Riney & Mayfield LLP  
600 Maxo Building  
320 South Polk Street  
Amarillo, Texas 79101-1426  
hhendricks@rineymayfield.com  
***Attorney for Rabo Agrifinance***
4. Michael R. Johnson

Ray Quinney & Nebeker, P.C.  
36 South State, Suite 1400  
Salt Lake City, UT 84111  
mjohnson@rqn.com  
***Attorney for Rabo Agrifinance***

5. Donna Webb  
U.S. Attorney's Office  
1100 Commerce St., Ste. 300  
Dallas, Tx. 75242  
[donnawebb@usdoj.gov](mailto:donnawebb@usdoj.gov)  
***Attorney for U.S. Small Business Administration***
6. Bart and Blenda Arbuthnot  
518 West 7<sup>th</sup> P.O. Box 1504  
Dumas, Tx. 79029
7. Beauchamp Estates Partnership  
P.O. Box 777  
Dumas, Tx. 79029
8. Otto Chavez  
115 N. Meredith  
Dumas, Tx. 79029
9. Willis Rentals  
503 E. 1<sup>st</sup> St.  
Dumas, Tx. 79029
10. All parties in interest receiving ECF Notice in this case.

/s/ David R. Langston\_\_\_\_\_  
David R. Langston